

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No. CV 23-5656-JAK (KS) Date: November 14, 2023

Title *Z.E. et al. v. Orange County et al.*

Present: The Honorable: Karen L. Stevenson, Chief Magistrate Judge

Gay Roberson  
Deputy Clerk

N/A  
Court Reporter / Recorder

Attorneys Present for Plaintiff:  
N/A

Attorneys Present for Defendants:  
N/A

**Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE: DISMISSAL**

On July 10, 2023, Plaintiffs Z.E., Krystal Erichsen, and Pauline Clay-Hunter (“Plaintiffs”), proceeding *pro se*, filed a civil rights complaint under 42 U.S.C. § 1983 (“Complaint”) against the County of Orange, the Orange County Social Services Agency, the Tustin Police Department, and the Los Angeles Police Department. (Compl. at 2-3.) The Complaint avers that the events giving rise to the lawsuit occurred in Los Angeles and Orange Counties, and it alleges nine instances/dates on which these events occurred (September 7, 2012; September 8, 2012; December 2012; February 7, 2013; March 31, 2014; April 28, 2014; February 27, 2016; March 3, 2016; and March 10, 2016). (*Id.* at 4.) However, the Complaint contains no factual allegations, no legal claims, and no further information. In the sections of the Complaint where Plaintiffs must identify the basis for federal jurisdiction (including stating what specific rights were violated), the facts underlying the claims, the alleged injury, and the relief requested, Plaintiffs typed “see attached,” apparently in reference to a supporting document that is not included with the Complaint. (*Id.* at 3-5.)

On July 20, 2023, the Court dismissed the Complaint with leave to amend for the failure to state any claims for relief, and because, based on the dates provided by Plaintiffs, this action appears untimely. (Dkt. No. 4.) The Court ordered Plaintiffs to file a First Amended Complaint correcting the identified defects within 30 days, *i.e.*, no later than August 21, 2023,<sup>1</sup> and warned Plaintiffs that his failure to do so “may result in a recommendation of dismissal.” (*Id.* at 7.) Included with the order *inter alia* was a copy of a Court-approved blank civil rights complaint form. (Dkt. No. 4-1.)

<sup>1</sup> Plaintiffs were afforded 32 days in total because that deadline fell on a Saturday. FED. R. CIV. P. 6(a)(1)(C).

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More than two months have passed since Plaintiffs’ deadline for filing a First Amended Complaint, but Plaintiffs have not done so. Pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, an action may be subject to involuntary dismissal if a plaintiff “fails to prosecute or to comply with these rules or a court order.” Accordingly, the Court could properly recommend dismissal of the action for Plaintiff’s failure to timely comply with the Court’s July 20, 2023 Memorandum and Order directing Plaintiff to file a First Amended Complaint.

However, in the interest of justice, Plaintiffs are **ORDERED TO SHOW CAUSE on or before December 14, 2023**, why the Court should not recommend that this action be dismissed for the failure to prosecute. Plaintiffs may discharge this Order by filing: (1) a request for an extension of time to file a First Amended Complaint and a declaration signed under penalty of perjury explaining why they failed to comply with the Court’s July 20, 2023 Memorandum and Order; or (2) a First Amended Complaint. Alternatively, if Plaintiffs do not wish to pursue this action, they may dismiss the Complaint without prejudice by filing a signed document entitled “Notice Of Voluntary Dismissal” pursuant to Rule 41(a)(1)(A).

**PLAINTIFFS ARE WARNED THAT THE FAILURE TO RESPOND TO THIS ORDER WILL RESULT IN A RECOMMENDATION OF DISMISSAL.**

**IT IS SO ORDERED.**

Initials of Preparer

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